

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANNA BASSO, AMY HARTMAN, and JAIME
VILLA RUIZ,

Plaintiffs,

- against -

NEW YORK UNIVERSITY,

Defendant.

Civil Action No. 16-CV-7295
(VM)(KNF)

**DEFENDANT NYU'S
STATEMENT OF UNDISPUTED
FACTS IN SUPPORT OF
SUMMARY JUDGMENT
PURSUANT TO LOCAL CIVIL
RULE 56.1**

Pursuant to Rule 56.1 of the Local Civil Rules of the United States District Court for the Southern District of New York, Defendant New York University ("NYU") by its attorneys, Venable LLP, submit the following statement of material facts for which it contends there is no genuine issue to be tried:

A. The Founding of Tisch School of the Arts Asia

1. Pari Shirazi ("Dr. Shirazi"), former President of NYU's Tisch School of the Arts Asia ("Tisch Asia"), originally conceived of the idea of an international campus for Tisch School of the Arts ("Tisch," or "TSOA") in 2002. (Transcript of the Deposition of Pari Shirazi ("Shirazi Dep. Tr"): 13:13-152;¹ Transcript of the Deposition of David McLaughlin ("McLaughlin Dep. Tr"): 12:15-23;² Transcript of the Deposition of Michael Burke ("Burke Dep. Tr"): 235:14-16).³

¹ A copy of the relevant portions of Pari Shirazi's deposition transcript is annexed as Exhibit B to the Declaration of Michael J. Volpe ("Volpe Decl.") in Support of NYU's Motion for Summary Judgment.

² A copy of the relevant portions of David McLaughlin's deposition transcript is annexed as Exhibit C to the Volpe Decl.

³ A copy of the relevant portions of Michael Burke's deposition transcript is annexed as Exhibit D to the Volpe Decl.

2. At that time, Dr. Shirazi was Vice Dean of Tisch and oversaw all of Tisch's international programs. (Shirazi Dep. Tr: 11:2-7, 16-20, 12:7-15; Transcript of the Deposition of Mary Schmidt Campbell ("Campbell Dep. Tr"): 62:12-158;⁴ Burke Dep. Tr: 14-16).

3. NYU's senior leadership at the time included former NYU President (and current President *Emeritus*) John Sexton and former Provost David McLaughlin, among others. (Transcript of the Deposition of John Sexton ("Sexton Dep. Tr"): 7:8-22;⁵ Shirazi Dep. Tr: 13:23-24, 46:17-25 – 47:2-17; McLaughlin Dep. Tr: 8:22-25; Campbell Dep. Tr: 110:14-22).

4. During the planning process, Dr. Shirazi conducted research and ultimately favored Singapore for the location. (Shirazi Dep. Tr: 14:6-18). Tisch and the Singapore government first began discussions in late 2005 or early 2006 about establishing an arts program in Singapore, and the Singapore government represented to Mary Schmidt Campbell ("Dean Campbell"), Dean of Tisch at the time, that its interest in such a program was part of a larger vision that it had for the nation, with the understanding that Singapore would provide substantial support for NYU's endeavor. (Shirazi Dep. Tr: 16:5-8, 13-15; Campbell Dep. Tr: 12:5-16, 30:14-25 – 31:2-5, 60:17-25 – 61:2).

5. Dr. Shirazi and Dean Campbell were responsible for the early planning stages of Tisch Asia. (Campbell Dep. Tr: 60:17-23; McLaughlin Dep. Tr: 12:2-4, 15-25 – 13:2-5; Sexton Dep. Tr: 11:16-24). Several program models, including undergraduate and graduate, were considered, and the plan was to develop a sustainable academic program. (Campbell Dep. Tr: 64:13-20, 66:2-5; Sexton Dep. Tr: 58:3-11; McLaughlin Dep. Tr: 15:6-9).

⁴ A copy of the relevant portions of Mary Schmidt Campbell's deposition transcript is annexed as Exhibit E to the Volpe Decl.

⁵ A copy of the relevant portions of John Sexton's deposition transcript is annexed as Exhibit F to the Volpe Decl.

6. Dr. Shirazi and Dean Campbell presented and discussed an initial proposal for Tisch Asia, which included both graduate and undergraduate programs, with NYU's senior leadership. The senior leadership deemed the proposal too large in scope and requested revisions. (McLaughlin Dep. Tr: 12:2-23, 14:2-5, 9-16, 15:3-5).

7. Dr. Shirazi and Dean Campbell continued working on the proposal, including financial planning, and shared it with senior leadership. (Shirazi Dep. Tr: 18:12-20; Sexton Dep. Tr: 11:16-24, 18:16-24; Campbell Dep. Tr: 64: 3-12, 110:10-25). The planning process included the creation of: a statement of the program content, a curriculum, a faculty staffing plan, a recruiting plan, a plan for the size and location of the campus, and other details. (Campbell Dep. Tr: 63:17-25 – 64:2-3).

8. The quality of the graduate film program at the Tisch School of the Arts Graduate Film & Television program in New York ("Tisch NY") and at Tisch Asia were designed to be the same, and the degree earned by students in both locations was identical. (Sexton Dep. Tr: 16:23-24; Campbell Dep. Tr: 98:17-25 – 99:2-6).

9. During the planning process, President Sexton specifically wanted to ensure that the Tisch Asia program was of sustainable quality and financial viability and satisfied his concerns through meetings with Dr. Shirazi and Dean Campbell. (Sexton Dep. Tr: 58:3-20).

10. As plans for Tisch Asia developed, NYU's senior leadership and Dr. Shirazi negotiated with the Singapore government over real estate, financial aid, loans, and principles of academic freedom. (Shirazi Dep. Tr: 19:15-25 – 20:2-21, 46:8-25 – 47:2-8).

11. The Singapore government agreed to secure campus space for NYU at a discounted lease rate for a term of ten years, and to provide Tisch Asia with a \$7 million loan to gut renovate the existing television studio located on the campus, and a \$2.3 million grant to fund the operating

deficits inherent in the early years of any new academic program. (Shirazi Dep. Tr: 23:21-23, 25:10-23, 56:17-25; Sexton Dep. Tr: 115:21-25 – 116:2-14; Transcript of the Deposition of Joseph Juliano (“Juliano Dep. Tr”): 59:25 – 60:2-11;⁶ Tisch Asia Five-Year Review Report dated November 15, 2011 (“Five-Year Review”), annexed to the Volpe Decl. as Exhibit H, at Bates No. SHIRAZI06101).

12. The Singapore government was enthusiastic about the program. (McLaughlin Dep. Tr: 207:6-11).

13. After years of planning internally and negotiations with the Singapore government, NYU’s senior leadership gave their approval for a focused graduate program in Film and Television. (Sexton Dep. Tr: 18:8-15, 19:7-9; McLaughlin Dep. Tr: 15:16-19; Shirazi Dep. Tr: 34:12-13, 19-20). They also approved the financial plan for Tisch Asia, which did not call for financial support from Tisch or the Tisch NY campus. (McLaughlin Dep. Tr: 17:13-25 – 18:2-3, 28:24-25 – 29:2-6). Tisch and NYU leadership discussed that if the graduate program model was successful, an expansion could be considered, but there was no promise made for an undergraduate program. (McLaughlin Dep. Tr: 31:15-25 – 32:2-4).

14. President Sexton granted his approval because he had great confidence in Dean Campbell’s decades of experience leading Tisch, and because he believed the program would be financially sustainable through a combination of tuition, the Singapore government’s financial support, and private philanthropy. (Sexton Dep. Tr: 17:18-25 – 18:2-7, 18:25 – 19:2-6, 15-20, 20:7-9, 109:8-16; McLaughlin Dep. Tr: 29:4-11).

15. There was no expectation from NYU that Tisch Asia would provide a financial benefit for NYU; NYU leadership only required that Tisch Asia break even over time.

⁶ A copy of the relevant portions of Joseph Juliano’s deposition transcript is annexed as Exhibit G to the Volpe Decl.

(McLaughlin Dep. Tr: 43:3-5, 13-21).

16. Neither TSOA nor Tisch NY is self-sustaining, as both are reliant on government funding and philanthropy to remain financially sustainable. (Sexton Dep. Tr: 42:15-19, 24-25 – 43:2-19).

17. Following NYU's agreement with the Singapore Government, President Sexton and Provost McLaughlin presented the Tisch Asia proposal to the NYU Board of Trustees (the "Board") and the Board approved the Tisch Asia program in December 2006. (Campbell Dep. Tr: 110:4-9; Shirazi Dep. Tr: 34:2-4).

18. A Tisch Asia Board of Directors was then formed, and Tisch made preparations to welcome Tisch Asia's first class, including construction of its campus, development of its curriculum, and creation of an administration and faculty. (Shirazi Dep. Tr: 44:22-25; Tisch Asia Annual Report for the Period Ended August 31, 2007, annexed to the Volpe Decl. as Exhibit I; Tisch Asia Board Report, annexed to the Volpe Declaration as Exhibit J., at Bates No. NYU0005618).

19. Tisch Asia welcomed its first class in September of 2007, and actor Jackie Chan attended the ribbon cutting ceremony at the new campus. (Shirazi Dep. Tr: 19:11-12; Campbell Dep. Tr: 69:6-7, 117:16-17; Volpe Decl., Ex. J, at Bates No. NYU0005619).

B. The Educational Experience at Tisch Asia

20. Tisch Asia was a first-rate graduate program that offered its students excellent faculty, facilities and training in film and television. (Campbell Dep. Tr: 163:25 – 164:2-7). Tisch Asia's diverse body of students came from Asia, the United States, and many other countries. The core curriculum for the Film & Television and Dramatic Writing programs at Tisch Asia were

each the same as what was required at Tisch NY,⁷ and graduates of Tisch Asia received a Master's of Fine Arts from TSOA, the same degree Tisch students in New York receive upon graduation. (Transcript of the Deposition of Jaime Villa Ruiz ("VR Dep. Tr"): 234:12-23;⁸ Shirazi Dep. Tr: 27:7-16, 45:14-19; Burke Dep. Tr: 127:15-25 – 128:2-17; Transcript of the Deposition of Anna Basso ("Basso Dep. Tr"): 264:14-25; 272:24-25 – 273:2-4;⁹ Volpe Decl., Ex. J, at Bates No. NYU0005621).

21. In some instances, Tisch Asia students were offered additional electives that were not offered to Tisch NY students. (Shirazi Dep. Tr: 181:13-25).

22. Plaintiff Basso was not aware of any courses that had been promised but not delivered. (Basso Dep. Tr: 123:22-25 – 124:2-15).

23. Plaintiff Hartman "really enjoyed [her] experience" at Tisch Asia overall and thought "it was a great program." She believes that attending Tisch Asia was the best decision she ever made. In an email to Tisch Asia Associate Dean Michael Burke during the end of her second year, she stated: "I want to say I could never thank you enough for all the brilliant teaching, guidance, wisdom and friendship you have all given me," and that "going to Tisch Asia is bar none the best decision of my life, and I am so grateful for all it has given me so far, and all I know it will continue to provide." (Transcript of the Deposition of Amy Hartman ("Hartman Dep. Tr"): 149:15-21; 165:25 – 166: 2-20, 167:15-25 – 169:2, 171:4-24;¹⁰ Emails from Plaintiff Hartman to Michael Burke and Tisch Asia student body dated August 12, 2012 and August 14, 2012 respectively, regarding withdrawal from Tisch Asia, annexed to the Volpe Decl. as Exhibit N).

⁷ Tisch NY did not have an International Media Producing program or a graduate Animation program.

⁸ A copy of the relevant portions of Jaime Villa Ruiz's deposition transcript is annexed as Exhibit K to the Volpe Decl.

⁹ A copy of the relevant portions of Anna Basso's deposition transcript is annexed as Exhibit L to the Volpe Decl.

¹⁰ A copy of the relevant portions of Amy Hartman's deposition transcript is annexed as Exhibit M to the Volpe Decl.

24. Plaintiff Hartman had very good professors and believes that she herself was provided the same educational and professional training as her Tisch counterparts in New York. (Hartman Dep. Tr: 125:11-20). She doesn't "have many, if any, complaints about the quality of [her] education or the faculty [she] had." (Hartman Dep. Tr: 149:15-19; Volpe Decl., Ex. N (referencing the "brilliant teaching [and] guidance"); Emails between Plaintiff Hartman and Michael Burke, and Plaintiff Hartman and Robert Cameron, dated from May 29, 2013 through June 20, 2013 regarding Plaintiff Hartman's leave of absence and options for completion of her Master's degree, annexed to the Volpe Declaration as Exhibit O, at Bates No. NYU0012947 (referencing the high "caliber of faculty and classes")).

25. On May 29, 2013, Plaintiff Hartman sent an email to Tisch administrator Robert Cameron in which she stated that her experience at Tisch Asia was life changing, both due to the caliber of faculty and classes as well as her classmates and the Southeast Asia environment, and that "going to Singapore was the best decision I've made." Hartman reaffirmed those sentiments at her deposition. (Hartman Dep. Tr: 174:12-25 – 177:2-4; Volpe Decl., Ex. O, at Bates Nos. NYU0012947-48).

26. In his final review of Tisch Asia after completing his coursework, Plaintiff Villa stated that attending Tisch Asia "was probably one of the smartest decisions I have ever made in my life." (Villa Ruiz's Final Thesis Review, annexed to the Volpe Decl. as Exhibit P).

27. Other Tisch Asia students shared these views and experiences. For example, Tisch Asia alumnus Quester Hannah received professional training at Tisch Asia that met his expectations and he knows many Tisch Asia alumni who are very successful in the industry. (Declaration of Quester Hannah, annexed to the Volpe Decl. as Exhibit Q, ¶ 14).

28. Tisch Asia alumnus Philip Giordano's education at Tisch Asia provided him with the highest level of professional writing and directing training and attending Tisch Asia was the best experience of his life. The faculty at Tisch Asia exceeded his expectations, and he appreciated that his professors genuinely cared about his work and were extremely accessible. (Declaration of Phil Giordano, annexed to the Volpe Decl. as Exhibit R, ¶¶ 9, 24, 27).

29. Tisch Asia alumnus Bumsue Chun believes he received the same professional training as Tisch NY students. His experience with the Tisch Asia faculty surpassed his expectations and he found the faculty and courses to be extremely valuable. (Declaration of Bumsue Chun, annexed to the Volpe Decl. as Exhibit S, ¶¶ 12, 16).

30. The facilities and equipment met the Plaintiffs' and other students' expectations and were state of the art. Students and Tisch administrators who had first-hand knowledge of the Tisch Asia and Tisch NY facilities and equipment testified that Tisch Asia students enjoyed better access to facilities and equipment than the students at Tisch NY did. Tisch Asia students used top of the line cameras, such as the Arri ALEXA and RED Epic. The quality of camera is not important for first-year directing exercises since the point is for students to become comfortable framing a shot. (Basso Dep. Tr: 60:13-21, 61:2-7, 84:6-11; VR Dep. Tr: 57:1-15, 79:5-25 – 80:9-11, 98:13-17, 112:14-17, 22-25 – 113:1, 209:16-20; Hartman Dep. Tr: 82:13-24, 97:21-24, 160:12-17; Burke Dep. Tr: 91:12-25 – 94:2-25, 95:5-25 – 96:11-17; Juliano Dep. Tr: 103:8-19; Volpe Decl., Ex. J, at Bates No. NYU0005621 (describing the facilities); Volpe Decl., Ex. Q, ¶¶ 19-21; Volpe Decl., Ex. R, ¶¶ 13, 15; Volpe Decl., Ex. S, ¶¶ 18-19).

31. Tisch Asia drew its faculty from all over the world and included at least a dozen Tisch faculty members who taught out of the New York campus. (Shirazi Dep. Tr: 123:23-25 –

124:2; Campbell Dep. Tr: 281:10-20; Declaration of Michael Burke, annexed to the Volpe Decl. as Exhibit T, ¶ 5).

32. Tisch Asia students were afforded unique exposure to world renowned filmmakers and artists such as Frank Oz, Jodie Foster, Debra Granik, Quincy Jones, John Inwood, Bridget Bedard, Vanja Cernjul, Todd Solondz, and many others. (VR Dep. Tr: 201:7-25 – 202:1-5; Basso Dep. Tr: 215:3-11; Emails announcing guest lecturers and workshops, annexed to the Volpe Decl. as Exhibit U).

33. Tisch Asia students and alumni have enjoyed successful careers and created award-winning work, including awards and nominations at festivals such as the Sundance and Cannes Film Festivals, among others around the world. (VR Dep. Tr: 90:20-25 – 91:1-4, 230:22-25 – 231:1-24; Volpe Decl., Ex. Q, ¶¶ 22-23; Volpe Decl., Ex. S ¶¶ 23-24; Volpe Decl., Ex. R ¶¶ 5, 17, 19-20, 24; Examples of emails announcing student and alumni awards and nominations, annexed to the Volpe Decl. as Exhibit V).

C. Tisch Asia Was Intended to Be an Enduring Program and NYU Expended Substantial Resources to Sustain It.

33. NYU intended for Tisch Asia to grow over time in Singapore and even other parts of Asia. It was not a pilot program or “five-year experiment.” NYU’s senior leadership and Tisch leadership all expected the Tisch Asia program to endure, all wanted the program to succeed, and would not have authorized its creation otherwise. (McLaughlin Dep. Tr: 190:14-15, 17-20; Campbell Dep. Tr: 73:9-11, 14-22; Shirazi Dep. Tr: 272:15-18).

34. NYU planned for Tisch administration to evaluate Tisch Asia after five years to assess successes and potential improvements, pursuant to standard practice at Tisch to evaluate programs periodically. (Campbell Dep. Tr: 73:23-25 – 74:2-9; Burke Dep. Tr: 188:22-25 – 189:2-17; Juliano Dep. Tr: 116:13-21; Sexton Dep. Tr: 128:17-25 – 129:2).

35. NYU understood and expected the Singapore government to renew its commitment to Tisch Asia beyond the initial commitment that the government had legally undertaken, which included a nine-year lease of campus space and seven-year enrollment projections. (McLaughlin Dep. Tr: 206:22-25 – 207:2-5; Sexton Dep. Tr: 19:21-25 – 20:2-6; Shirazi Dep. Tr: 56:17-23; Volpe Decl., Ex. H, at Bates No. SHIRAZI06105).

36. Tisch Asia's financial difficulties arose from unbudgeted housing costs for its faculty, a need for extra full-time faculty to teach certain technical aspects of the program that were usually taught by adjuncts or non-faculty staff in New York, campus renovations that proved more expensive than planned, and lower than planned enrollment. (Campbell Dep. Tr: 32:21-25 – 33:2-13, 124:5-21, 129:8-25; Shirazi Dep. Tr: 50:5-15 – 52:2-19, 65:2-25 – 66:2-6, 9, 122:8-25 – 123:2-6, 176:8-10, 13-23, 179:14-25 – 180:2-7; Sexton Dep. Tr: 114:9-13; Juliano Dep. Tr: 72:4-23). Additionally, the Singapore government's goods and services tax on tuition was, following subsequent negotiations between NYU and the government, covered through a grant for a limited period. (Campbell Dep. Tr: 136:25 – 137:2-4, 138:6-8, 10-15, 17, 19-24, 239:10-19; Shirazi Dep. Tr: 220:24-25 – 221:2-6; Sexton Dep. Tr: 24:9-25, 150:25 – 151:2-16, 151:24-25 – 152:2-7; April 17, 2009 Faculty Meeting Notes, annexed to the Volpe Decl. as Exhibit W, at Bates Nos. SHIRAZI04380-86). However, once the government's financial support for the tax ended, NYU decided to cover the students' obligation for this tax rather than passing the expense on to students, which was an additional expense for NYU. (Volpe Decl., Ex. H, at Bates No. SHIRAZI06106). These issues were exacerbated by the 2008 global financial crisis which weakened the exchange rate and, as a result, significantly increased the cost of operating Tisch Asia. (Campbell Dep. Tr: 33:11-13; Volpe Decl., Ex. H, at Bates Nos. SHIRAZI06106, SHIRAZI06108).

37. The Tisch Asia Board of Directors first identified a budget gap early on in the program's existence. (Campbell Dep. Tr: 67:19-20, 68:4-20).

38. From that point forward, Tisch Asia administrators and, later, NYU senior leadership, vigorously pursued several options to improve Tisch Asia's finances, and Dean Campbell supported these efforts. (Campbell Dep. Tr: 21:18-20, 23-25 – 22:2-4, 203:4-16).

39. As part of these efforts, NYU sought additional subsidies from the Singapore government, diverted significant funding from Tisch NY, enhanced philanthropy efforts in both New York and Asia, expanded student recruiting efforts, created a dedicated website for Tisch Asia, and offered continuing education programs. (Campbell Dep. Tr: 23:5-13, 88:22-25 – 90:2-22, 95:5-25 – 96:2-12; McLaughlin Dep. Tr: 127:18-25 – 128:2-22, 129:16-25 – 130:2-6).

40. President Sexton also met with philanthropic prospects on behalf of Tisch Asia to develop funding for the program. (Sexton Dep. Tr: 20:7-17).

41. Specifically, in 2010, with a continuing need for additional funds, Dean Campbell enlisted NYU President Sexton to negotiate with the Singapore government, since the financial sustainability of Tisch Asia was dependent upon additional government funding. (Campbell Dep. Tr: 91:3-15; McLaughlin Dep. Tr: 74:22-24, 75:2-3, 181:14-19).

42. President Sexton, along with Dr. Shirazi, Dean Campbell, and other NYU administrators, entered negotiations with the Singapore government on a path toward financial stability for Tisch Asia, including an additional five to ten-year commitment from Singapore. (Sexton Dep. Tr: 96:17-25 – 97:2-6, 100:18-25 – 101:2-6, 111:23-25 – 112:2-7, 123:15-25 – 125:2-7, 146:7-17, 151:5-25 – 153:2-4, 157:12-25 – 164:2-20; Shirazi Dep. Tr: 252:5-25 – 253:2-16, 269:6-25 – 271:2-4; Campbell Dep. Tr: 25:6-19; Email from Dick Foley to Dean Campbell dated April 27, 2011, annexed to the Volpe Decl. as Exhibit X, at Bates No. NYU0011918).

43. While these negotiations were ongoing, in 2011, NYU Vice Chancellor Richard Foley assigned Vice Provost Juliano to develop a plan to analyze and strengthen the finances of Tisch Asia. (Juliano Dep. Tr: 10:24-25 – 11:2-11).

44. Vice Provost Juliano's initial review confirmed that Tisch Asia was running significant deficits, and he traveled to Singapore with a team to perform a budget and operational review in October 2011. (Juliano Dep. Tr: 13:2-22).

45. This review revealed that Tisch Asia had a significant variance between the budget plan and the actual results of operations that was larger than NYU had previously understood. (Juliano Dep. Tr: 18:16-25 – 19:3, 21-25 – 20:2-7; McLaughlin Dep. Tr: 97:18-25 – 99:2-8, 10-13).

46. The review showed that from fiscal year 2007 to 2012, Tisch Asia cost approximately \$20 million more than its original financial plan budgeted, and \$35 million overall. Tisch Asia faced a budget shortfall of approximately \$6.7 million per year. Approximately 25 percent of the cost overruns were due to the weakened dollar due to the financial crisis. The cost overruns were also due to construction costs exceeding budget, a failure to meet enrollment projections, and overspending on operational expenses, faculty compensation, and a significant weakening of the U.S. dollar resulting from the 2008 global financial crisis. The scope of the financial picture was not previously fully appreciated because the majority of additional funding to close the budget gaps came from Tisch discretionary sources. This allowed the Tisch Asia program to continue to operate and provide a quality experience to its students, but was not a sustainable solution because it posed a long term risk to the financial stability of Tisch NY. (Volpe Decl., Ex. H; Juliano Dep. Tr: 159:10-25 – 161:2-8).

47. To confront the significant challenges identified in the review, the review proposed several changes to Tisch Asia to put it on sound financial footing, including bringing expenses into line with the scale of the operation, developing a new enrollment strategy, and securing additional financial support from the Singapore government, negotiations for which were already underway at the time the report issued. (Volpe Decl., Ex. H, at Bates No. SHIRAZI06104).

48. Once it became clear that Tisch Asia could not sustain itself financially, NYU allocated specific funding to meet Tisch Asia's financial obligations and to continue to provide education to its students. (Sexton Dep. Tr: 80:2-25 – 83:2-10).

49. In the absence of funds from the Singapore government, NYU covered the budget shortfalls at Tisch Asia. (Shirazi Dep. Tr: 72:9-16, 74:6-7, 10-12, 80:25 – 81:2-5, 273:10-12, 14-15; Sexton Dep. Tr: 113:11-25 – 114:2-3; Volpe Decl., Ex. H).

50. Shortly after Vice Provost Juliano completed his review, Dr. Shirazi was removed from leadership of Tisch Asia. (McLaughlin Dep. Tr: 193:11-18, 194:7-17; Campbell Dep. Tr: 18:23-25 – 19:2).

51. Dean Campbell held a town hall meeting with the students in Singapore where she announced that Dean Shirazi was being removed as president and expressed concern regarding the financial viability of Tisch Asia. This was one of Dean Campbell's several trips to Singapore throughout the scope of the program. (Campbell Dep. Tr: 22:5-7, 12-15, 18:20-25 – 19:2-5).

52. Thereafter, a team of NYU administrators, including Vice Provost Juliano and Vice President for Global Programs, Nancy Morrison, assumed operational leadership of Tisch Asia. (Juliano Dep. Tr: 36:15-25 – 37:2-9, 135:17-25 – 136:3-7; McLaughlin Dep. Tr: 102:13-16, 20-21, 23-24; Sexton Dep. Tr: 174:5-25 – 177:2-4, 189:11-23).

53. During this period, NYU continued to assess and address the various potential solutions to the issues identified in Vice Provost Julianos's review, including negotiating with the Singapore government and pursuing philanthropic opportunities to resolve the financial difficulties facing the program, among other strategies. (Sexton Dep. Tr: 20:7-17, 177:20-25 – 179:2-21, 180:6-7, 9-16, 17-23; Volpe Decl., Ex. H, at Bates No. SHIRAZI06104).

54. Vice Provost Juliano met with students to apprise them generally of the financial difficulties facing Tisch Asia, and Vice President for Global Programs Morrison met regularly with students to address their concerns. (Juliano Dep. Tr: 153:2-11).

55. Vice Provost Juliano also implemented more stringent fiscal controls. (Juliano Dep. Tr: 141:7-13, 16-19).

56. In 2012, NYU's senior leadership team continued discussions with the Singapore government about potential ways to renew the Tisch Asia program. (McLaughlin Dep. Tr: 119:21-25 – 120:2-4, 6-21). All of NYU leadership was in favor of continuing Tisch Asia on sound financial footing. (Juliano Dep. Tr: 110:11-14). This included exploring the creation of a joint conservatory with the National University of Singapore ("NUS"), which NYU and NUS were enthusiastic about. (Campbell Dep. Tr: 223:20-24, 225:2-5).

57. Vice Provost Juliano worked in Singapore in January 2012 to develop a financial and operational model for a joint conservatory with Tisch Asia and NUS, to submit to the Singapore Economic Development Board ("EDB") in support of NYU's on-going efforts to stabilize Tisch Asia's finances. The model gained support from NYU and NUS. (Juliano Dep. Tr: 20:21-25 – 21:2-19, 22:17-25 – 23:2-23, 24:5-25 – 25:2-8, 33:8-25, 48:12-17).

58. As part of this effort throughout 2012, Vice Provost Juliano participated in approximately twelve to fifteen meetings with NUS and an additional twelve to fifteen meetings

with EDB in an effort to gain Singapore's approval of the joint conservatory. (Juliano Dep. Tr: 44:10-25 – 45:2). In these meetings, NYU and EDB discussed continued support from the Singapore government in the form of grants and forgiveness of the existing government loan, with no other conditions placed on EDB. (Juliano Dep. Tr: 46:13-25 – 47:2-20, 49:3-11).

59. Vice Provost Juliano also discussed the possibility of extending the lease for Tisch Asia's campus in his meetings with EDB in January 2012. (Juliano Dep. Tr: 33:23-25 – 34:2-13).

60. Vice Provost Juliano made monthly trips to Tisch Asia through the fall of 2012 to continue the meetings with NUS and EDB and to oversee the financial operations of Tisch Asia. (Juliano Dep. Tr: 35:20-25 – 36:2-4, 15-21, 25 – 37:2-4, 38:23-25 – 39:2-9, 23-25 – 41:2-10, 42:2-25 – 43:2-23).

61. Negotiations with the Singapore government continued into late October of 2012. (Campbell Dep. Tr: 186 – 196; Juliano Dep. Tr: 133:20-25).

62. The high-level Singapore government official with whom President Sexton and Vice President Juliano were negotiating endorsed NYU's proposed financial restructuring and joint NUS campus to the highest level of the Singapore government, but the final decision-makers in the Singapore government ultimately rejected the proposal. (Sexton Dep. Tr: 131:23-25 – 134:2-7, 201:14-25 – 202:2-7; Juliano Dep. Tr: 24:22-25 – 26:2-3; McLaughlin Dep. Tr: 157:21-25, 158:3-8).

63. The unwillingness of the Singapore government to continue its financial support, coupled with the other ongoing financial issues, rendered Tisch Asia financially unsustainable. (Sexton Dep. Tr: 109:17-23, 110:5-13, 118:8-11, 16-25 – 121:2-23; McLaughlin Dep. Tr: 153:14-16).

64. Dean Campbell had been optimistic that the Singapore government would continue its financial support of Tisch Asia, so its decision to decline further support came unexpectedly. (Campbell Dep. Tr: 29:15-25 – 31:2-5, 306:15-19).

65. Tisch Asia Associate Dean Michael Burke had also been optimistic about the program's future. (Burke Dep. Tr: 189:18-25 – 190:2-9).

D. The Decision to Close Tisch Asia

66. Shortly following the Singapore government's rejection of the joint conservatory plan, NYU decided to plan for the closure of Tisch Asia. (Sexton Dep. Tr: 200:2-17; Campbell Dep. Tr: 9:6-25 – 10:2-3, 13:8-25 – 14:2-9; Juliano Dep. Tr: 104:2-12).

67. This business decision was made by Dean Campbell on behalf of TSOA in consultation with NYU's senior leadership. (Campbell Dep. Tr: 17:11-14, 58:9-22, 104:13-15, 108:24-25 – 110:2-6; McLaughlin Dep. Tr: 199:24-25 – 200:2).

68. On November 8, 2012, Dean Campbell announced the wind down, which would involve a commitment to allow every student to finish their degree, and student recruitment was suspended. (Campbell Dep. Tr: 176:24-25 – 177:2-9, 184:18-25 – 185:2; Tisch Asia Closure Announcement by Dean Campbell, annexed to the Volpe Decl. as Exhibit Z).

69. Dean Campbell and Tisch Asia administrators planned and documented a course of action for the closure, the progress of which was tracked by the Dean herself. (Campbell Dep. Tr: 20:4-18, 42:11-6, 43:10-16, 45:7-25; Sexton Dep. Tr: 183:20-25 – 184:2-4; Summary of Actions Memorandum, annexed to the Volpe Decl. as Exhibit AA).

70. NYU ensured that the closing would not disrupt students' education and monitored those steps very carefully, including a degree completion plan for each student. (Sexton Dep. Tr:

183:20-25 – 184:2-4, 201:3-9; Campbell Dep. Tr: 19:19-25 – 20:2, 43:10-16; McLaughlin Dep. Tr: 203:4-19).

71. It was extremely important to Dean Campbell that the Tisch Asia administration was clear, transparent, and consistent with its messaging to students as the campus was winding down its operations, and she ensured that students were able to voice concerns related to the closure and that those concerns were addressed. (Campbell Dep. Tr: 55:10-22; Basso Dep. Tr: 255:12-19; VR Dep. Tr: 162:16-25 – 163:1-19).

72. Vice Provost Julianio also made several trips to Singapore in 2013 to discuss and facilitate the wind down of Tisch Asia, and Tisch Asia did not experience a material impact on its operational budget during the wind down, as additional funds were provided to Tisch Asia during the wind down. (Juliano Dep. Tr: 43:9-25 – 44:2-3, 79:21-24; Burke Dep. Tr: 187:4-13).

73. Tisch Asia students did not experience the loss of class time as a result of the closure announcement, and the professors continued to provide a first-rate education; Associate Dean Burke provided strong leadership by listening to and addressing student concerns. (Basso Dep. Tr: 257:18-21; Volpe Decl., Ex. Q, ¶ 24; Volpe Decl., Ex. S, ¶ 11; Burke Dep. Tr: 208:10-24).

74. NYU retained Tisch Asia faculty members after the Tisch Asia campus graduated its final class in summer of 2015 to advise on student thesis projects. Associate Dean Burke continued to oversee Tisch Asia student thesis productions from 2015 through 2017, the deadline for thesis completion for all of the students who graduated from Tisch Asia with its final class. (Burke Dep. Tr: 53:17-25 – 56:2-9).

75. Tisch Asia students were afforded the opportunity to use the facilities in New York or facilities in Singapore to finish their thesis projects. (Burke Dep. Tr: 56:19-22, 58:3-24).

76. The announcement of the closure of the school did not affect Plaintiff Villa other than to leave him questioning whether to remain at Tisch Asia. (VR Dep. Tr: 239:17-25 – 240:1-15).

77. Quester Hannah and Bumsue Chun understood that it was a business decision to close Tisch Asia. (Volpe Decl., Ex. Q, ¶ 24; Volpe Decl., Ex. S, ¶ 10).

78. Mr. Hannah could not relate to his classmates who reacted extremely emotionally to the news of the closure since the education continued to be the same, high quality experience. (Volpe Decl., Ex. Q, ¶ 24).

79. Despite the closure announcement, Mr. Chun was never under the impression that Tisch Asia was intended to be an experiment. (Volpe Decl., Ex. S, ¶ 10).

80. NYU never promised that Tisch Asia would stay open forever or that Tisch Asia would have a legacy. (VR Dep. Tr: 158:8-11, 20-23, 236:8-11; Hartman Dep. Tr: 145:20-24; Basso Dep. Tr: 105:13-18).

E. NYU Offered Tuition Refunds to First-Year Tisch Asia Students

81. After the November 2012 announcement that Tisch Asia would close, first-year students were offered a refund of tuition. (Campbell Dep. Tr: 46:19-24, 47:17-25 – 48:3-11).

82. The deadline to accept NYU's offer of a tuition refund was April 1, 2013. (Letter from Mary Campbell dated February 14, 2013 regarding refund with accompanying email, annexed to the Volpe Decl. as Exhibit BB).

83. Plaintiff Basso declined the offer for a tuition refund and stayed at Tisch Asia because she wanted to continue working on her thesis script and by the time of the deadline to respond to NYU's offer, she had already finished nearly half of her two-year dramatic writing master's degree. (Basso Dep. Tr: 148:14-25 – 149:2-8, 16-25 – 150:2, 161:3-17).

84. Plaintiff Villa was not a first-year student when the closure was announced and thus was not offered a tuition refund. (VR Dep. Tr: 219:10-19).

85. Plaintiff Hartman was no longer enrolled at Tisch Asia when the closure was announced and thus was not offered a tuition refund. (Hartman Dep. Tr: 135:12-16, 225:7-9).

86. When the closure was announced, Mr. Chun had no complaints about Tisch Asia, and he declined a tuition refund because the announcement did not negatively interfere with his experience whatsoever. (Volpe Decl., Ex. S, ¶ 11).

F. The Tisch Asia Website

87. The Tisch Asia website contained faculty biographical information, FAQs, and a Message from the Chair of the Graduate Film Program, David Irving, (the “Chair Letter”), among other information. (Faculty Bios, FAQs, and Chair Letter from the Tisch Asia website are annexed to the Volpe Decl. as Exhibit CC).

88. The FAQs stated, in part: “There are no differences between the education received in Singapore and the education received in New York. All programs that are in both New York and Singapore have the same number of students, identical curriculum, state of the art production facilities, and are taught by Tisch School of the Arts world-renowned faculty. Programs developed specifically for Singapore are accredited by New York University, staffed by NYU full-time faculty, and subject to the same artistic standards and high level of teaching excellence as any program at Tisch or Tisch Asia.” (Volpe Decl., Ex. CC, at Bates No. NYU0020208).

89. Regarding degrees, the FAQs stated that “Tisch Asia students who successfully complete their course of study in Film, Dramatic Writing, or Animation and Digital Arts at Tisch Asia receive a Masters of Fine Arts degree from New York University.” (*Id.*).

90. Regarding scholarships, the FAQs stated: “There are scholarships available to Tisch Asia students. The admissions department and office of financial aid works with students on an individual basis to determine the best strategy to funding their degree.” (Volpe Decl., Ex. CC, at Bates No. NYU0020209).

91. Regarding internships and career counseling, the Chair Letter stated: “we have instituted internships, mentorships and work projects from hundreds of media related companies here in the tri-state area”; and the FAQs stated: “The Tisch Office of Career Development, is an active and useful resource for Tisch students and recent alumni. The office offers a range of services, such as individual career counseling specific to the arts, resume-writing assistance, consultations, interview coaching, a screenplay bank, and a job list serve.” (Volpe Decl., Ex. CC, at Bates Nos. NYU0020211, NYU0020209).

92. Regarding networking, the FAQs stated: “Tisch Asia professional courses provide a forum for networking with your fellow filmmakers, all of whom share your passion for the craft.” (Volpe Decl., Ex. CC, at Bates No. NYU0020209).

93. The Chair Letter stated, in part, that “[a]ll faculty are working professionals” and “Tisch Graduate Film has trained some of the finest writers, directors, cinematographers, producers, and editors in the film industry. We will maintain this tradition in Singapore by insuring that the faculty, equipment, and facilities are of the same quality that have been established at the New York campus, and by implementing the curriculum, projects, and exercises that demand a level of rigor and exploration from you that is the hallmark of a Tisch education.” (Volpe Decl., Ex. CC, at Bates No. NYU0020211).

94. There were clear, self-evident differences between Tisch NY and Tisch Asia. They were located on different campuses of differing sizes, in different cities and countries, with

different faculty members depending on the semester, occasionally offering different electives based on factors including different local entertainment industry assets. One program was fifty years old and the other was brand new. (Sexton Dep. Tr: 15:20-25 – 16:4-22; Campbell Dep. Tr: 96:21-25 – 97:2-18; Volpe Decl., Ex. Q, ¶ 26; Volpe Decl., Ex. S, ¶ 5).

95. Publicly available information about the two programs confirmed these differences. Tisch NY had existed for more than 50 years and Tisch Asia was brand new. New York is the media mecca of the world, and Singapore is a smaller market. Tisch Asia did not have many of the graduate and undergraduate arts programs housed on campus at TSOA, such as acting, dance, and theater, and therefore was situated on a smaller campus than Tisch NY. (Volpe Decl., Ex. Q, ¶¶ 8, 26; Volpe Decl., Ex. R, ¶ 7; Volpe Decl., Ex. S, ¶ 5).

G. Students' Reasons for Enrolling in Tisch Asia Differed

i. Plaintiff Anna Basso

96. Plaintiff Basso attended Tisch Asia's Dramatic Writing program from 2012 through graduation in 2014. (Basso Dep. Tr: 95:11-13, 96:20-24, 184:9-13, 272:22-25 – 273:2).

97. The most important factor in Plaintiff Basso's decision to apply to Tisch Asia was Tisch's overall reputation. (Basso Dep. Tr: 25:5-20, 34:3-25 – 35:2-21, 41:15-19).

98. She understood that the curriculum at Tisch Asia mirrored Tisch NY insofar as all Dramatic Writing students took fundamental courses and then continued with a concentration of their choosing. (Basso Dep. Tr: 36:5-12, 39:3-12). She did not do much research into Tisch Asia's facilities other than to note that there was a building, and she did not see information about the equipment at Tisch Asia. (Basso Dep. Tr: 39:13-25 – 40:2-4). She also does not recall seeing any representations about internship and professional development opportunities, contests, awards or

scholarships at Tisch Asia before applying to Tisch Asia. (Basso Dep. Tr: 38:12-25, 40:5-19, 89:12-21).

99. Plaintiff Basso does not recall if there was anything specific that made her decide to enroll at Tisch Asia other than wanting to go to Tisch graduate school and liking that the program was in another country because she had not previously studied abroad. (Basso Dep. Tr: 48:8-19, 50:4-8).

100. Plaintiff Basso received a scholarship to attend Tisch Asia in the amount of \$16,500 for the first year and \$22,000 for the second year, which was also a factor in her decision to attend. She received financial aid and federal loans for tuition. (Basso Dep. Tr: 51:11-15, 266:3-14).

ii. Plaintiff Jaime Villa Ruiz

101. Plaintiff Villa Ruiz attended Tisch Asia's Film & Television program from 2011 through graduation in 2014. (Plaintiff Villa Ruiz's NYU Academic Transcript, annexed to the Volpe Decl. as Exhibit DD).

102. In 2010, Plaintiff Villa Ruiz applied to Tisch Asia because he wanted to study abroad; he did not apply to Tisch NY because he already went to school on the East Coast. (VR Dep. Tr: 26:6-25 – 27:1-4, 29:14-25 – 30:1-2, 33:8-16).

103. Plaintiff Villa Ruiz does not recall any specific content from the Tisch Asia website but remembers generally that the website and literature he received stated that the faculty would be world renowned, professional and active in the industry. (VR Dep. Tr: 38:10-17, 69:5-23). He also saw that Oliver Stone was the Creative Director of Tisch Asia and knew that Mr. Stone would not be on campus full time. (VR Dep. Tr: 108:24-25 – 109:1-22).

104. Plaintiff Villa Ruiz spoke to a Tisch Asia student during the application process. (VR Dep. Tr: 34:6-8, 16-24). He ultimately applied to Tisch Asia based on what he saw on the

website, and because of Tisch’s reputation for “producing the best.” (VR Dep. Tr: 27:5-8, 29:3-11, 36:4-25 – 37:1-2, 37:23-25 – 38:1-9, 186:2-5).

105. Before enrolling, Plaintiff Villa Ruiz had no knowledge of the Tisch Asia curriculum, equipment, internship or professional development opportunities, contests, awards, or scholarships. Entertainment Business Law was offered at Tisch Asia. (VR Dep. Tr: 44:9-25 – 45:1-7, 50:13-19, 51:7-11, 55:11-13; Tisch Asia Curriculum sheet, annexed to the Volpe Declaration as Exhibit Y).

106. Plaintiff Villa Ruiz enrolled at Tisch Asia because he wanted to learn digital cinematography, experience life in Asia, and because of the “quality of the faculty.” (VR Dep. Tr: 72:21-25 – 74:1-14).

107. Plaintiff Villa Ruiz received a scholarship of \$15,000 to attend Tisch Asia. (VR Dep. Tr: 51:2-6, 12-14).

iii. Plaintiff Amy Hartman

108. Plaintiff Hartman attended Tisch Asia’s Film & Television program from 2010 to 2012. (Hartman Dep. Tr: 77:21-25 – 78:2, 230:22-25; Plaintiff Hartman’s NYU Academic Transcript, annexed to the Volpe Decl. as Exhibit EE (authenticated at Hartman Dep. Tr: 234:22-25, 235:4-19)). She did not graduate from Tisch Asia because she withdrew to pursue a career opportunity that she obtained through Tisch Asia faculty. (Hartman Dep. Tr: 76:22-25, 77:23-25 – 78:2).

109. Plaintiff Hartman applied to Tisch Asia because it “sounded like fun,” and because NYU is an elite university with a good alumni base, connections, and professors. (Hartman Dep. Tr: 24:16-25 – 25:2-17, 26:6-20, 27:20-25 – 28:2-3).

110. Plaintiff Hartman researched the Tisch Asia website and believes she looked at student films, faculty bios, and outlines of classes at least for first and second year students. (Hartman Dep. Tr: 31:25 – 32:2-5, 8-14, 33:20-25, 36:2-12). She believes she saw faculty bios for Michael Burke, Pennie DuPont, and Gillian Gordon Crozier, and recalls that Oliver Stone was advertised as Tisch Asia’s artistic director. (Hartman Dep. Tr: 37:4-19, 64:22-25 – 65:2-4, 19-25 – 66:2-10, 67:20-25 – 68:2).

111. Plaintiff Hartman does not recall seeing anything specific about the curriculum or facilities, or contests, grants, or awards at Tisch Asia before enrolling. (Hartman Dep. Tr: 35:7-13, 42:14-25 – 44:2-5, 148:5-23, 271:23-25 – 273:2-20).

112. When she accepted Tisch Asia enrollment, Plaintiff Hartman was aware of the tuition and costs associated with the program and financial aid options and knew that employment in Singapore would be extremely limited. (Hartman Dep. Tr: 38:17-25 – 39:2-14, 41:17-25 – 42:2-13).

iv. Tisch Asia Alumnus Quester Hannah

113. Quester Hannah attended Tisch Asia from Fall 2011 through graduation in Spring 2014. (Volpe Decl., Ex. Q, ¶ 1).

114. Before applying, Hannah researched Tisch Asia and Tisch NY online for about a year and became very familiar with the programs’ offerings. (Volpe Decl., Ex. Q, ¶ 7). He learned that Tisch Asia only had a graduate film program, whereas Tisch’s New York campus offered many other graduate and undergraduate arts programs. (Volpe Decl., Ex. Q, ¶ 8).

115. Hannah decided to enroll at Tisch Asia because he was offered a substantial scholarship and valued the opportunity to go to Asia. (Volpe Decl., Ex. Q, ¶ 9).

v. Tisch Asia Alumnus Phil Giordano

116. Phil Giordano attended Tisch Asia from Fall 2011 through graduation in Spring 2014. (Volpe Decl., Ex. R, ¶ 1).

117. His decision to attend Tisch Asia was impulsive and driven by a desire for a change from life in New York, and because he was impressed by the quality of student films produced by Tisch Asia alumni. (Volpe Decl., Ex. R, ¶¶ 4-6).

118. He compared the websites of Tisch Asia and Tisch NY and it was clear that Tisch Asia was a smaller campus because it did not have undergraduate students and the other graduate programs that exist in New York. (Volpe Decl., Ex. R, ¶ 7).

vi. Tisch Asia Alumnus Bumsue Chun

119. Bumsue Chun attended Tisch Asia from Fall 2012 through graduation in Spring 2015. (Volpe Decl., Ex. S, ¶ 1).

120. As stated by Mr. Chun, the Tisch NY and Tisch Asia websites were completely different, from the color scheme to the portrayal of the two schools' different environments. According to Mr. Chun, it was clear from the website content that the two programs provided the same education but would not be identical in every respect. (Volpe Decl., Ex. S, ¶ 5).

121. Mr. Chun ultimately decided to apply to and enroll in Tisch Asia because he was attracted to the idea of having a NYU education while being able to make films in his native Korea with Asian companies. (Volpe Decl., Ex. S, ¶ 7).

H. Plaintiffs' Transition to Singapore

122. NYU assisted Tisch Asia students in obtaining a student pass and visa for their travel to Singapore. (Basso Dep. Tr: 53:4-16, 54:14-23; VR Dep. Tr: 56:3-25, 62:11-21; Hartman Dep. Tr: 60:9-25 – 61:2-14, 61:18-25 – 62:2-23, 63:9-22).

123. Tisch Asia students were responsible for their own living arrangements and NYU never represented that it would be responsible for securing housing for Tisch Asia students. (Basso Dep. Tr: 55:18-25 – 56:2-11, 57:12-15; VR Dep. Tr: 56:3-25, 62:11-21; Hartman Dep. Tr: 59:15-25 – 60:2-8).

124. Plaintiffs were satisfied with their transitions to Singapore and do not base any legal claim on their transition to Tisch Asia or Singapore. (Basso Dep. Tr: 57:9-15; VR Dep. Tr: 54:22-25, 56:3-25, 62:11-20; Hartman Dep. Tr: 60:9-25 – 61:2-14, 61:18-25 – 62:2-23, 63:9-22, 80:6-10).

125. Plaintiffs Villa Ruiz and Hartman had traveled abroad extensively prior to attending Tisch Asia. (VR Dep. Tr: 57:18-25 – 58:1-12; Hartman Dep. Tr: 54:20-25 – 55:2-11, 16-25, 56:2-3, 18-25 – 57:2-14).

I. Tisch Asia Faculty

i. NYU's Hiring Practices for Tisch Asia Faculty

126. Tisch Asia full-time faculty were hired through a search committee, which made hiring recommendations to the Chair of each department (i.e., Film, Dramatic Writing, etc.). After evaluating candidates, each Chair then made his or her recommendations to the Tisch Asia leadership, who sent the hiring recommendations to TSOA leadership in New York for final approval. Part-time and adjunct faculty hires were typically made at the department level. (Burke Dep. Tr: 158:24-25 – 159:2-9).

127. Tisch faculty members based in New York came to Tisch Asia to teach, and Tisch faculty based in Singapore went to teach at Tisch NY, including former faculty member and current Chair of Tisch NY's graduate film program, Barbara Schock. (Shirazi Dep. Tr: 41:14-19, 45:9-19, 120:18-25 – 121:2-13; Campbell Dep. Tr: 70:15-21, 265:12-25 – 266:2-4, 267:4-25, 274:3-

13). Both programs had a mix of faculty with different filmmaking styles. (Campbell Dep. Tr: 280:3-10).

128. Following Tisch NY's proud tradition of hiring its own recent alumni, Tisch Asia hired from among Tisch Asia alumni. (Burke Dep. Tr: 84:5-21; Basso Dep. Tr: 140:14-25 – 141:2-18; Hartman Dep. Tr: 213:19-23).

129. Faculty at Tisch Asia were paid approximately the same as faculty at Tisch NY but received some additional benefits such as fully paid housing and airfare for trips home. (Shirazi Dep. Tr: 124:17-25 – 125:2-20).

130. Tisch Asia had fewer adjunct faculty compared to Tisch NY. (Burke Dep. Tr: 160:6-13).

131. Tisch Asia included lists of faculty members and their biographical information on its website and in its bulletins. (Volpe Decl., Ex. CC, at Bates Nos. NYU0019669; NYU TSOA 2009-2011 and 2011-2013 Bulletin excerpts, annexed to the Volpe Decl. as Exhibits FF-1 and FF-2).

ii. Qualifications of Tisch Asia Professors

132. William Tunncliffe taught Plaintiff Villa Ruiz's Motion Picture Camera Techniques course in Fall 2011, Motion Picture Camera Techniques II course in Fall 2012, and Studio Lighting II course in Spring 2013. (Volpe Decl., Ex. DD, at Bates No. NYU0015392; Plaintiff Villa Ruiz's Course Evaluations, annexed to the Volpe Decl. as Exhibit GG (authenticated at VR Dep. Tr: 221:3-25 – 222:2-11), at Bates Nos. NYU0015408-09, NYU0016064-66, NYU0016254-55). Professor Tunncliffe taught Plaintiff Hartman's Motion Picture Camera Techniques course in Fall 2010 and Motion Picture Camera Techniques II course in Spring 2011. (Hartman Dep. Tr: 216:10-12; Volpe Decl., Ex. EE; Plaintiff Hartman's Course Evaluations,

annexed to the Volpe Decl. as Exhibits HH-1 and HH-2 (authenticated at Hartman Dep. Tr: 235:20-25 – 237:2-22), at Bates Nos. NYU0013330-31). Professor Tunnicliffe taught at both Tisch Asia and Tisch NY. (Volpe Decl., Ex. T, ¶ 9). His professional credits include films and television series such as *Highway* with Jake Gyllenhaal, *Road Ends* with Dennis Hopper, *The New Guy* with D.J. Qualls, *Crash and Byrnes*, *The Unbreakable Kimmy Schmidt*, *LA Heat*, *Team Knight rider*, and Howard Stern's *Son Of The Beach*. He has done videography work for Oprah Winfrey and his digital work has been featured in Videography Magazine. His short film, *Political Posture*, was nominated for an Academy Award and is in the permanent collection of the Library of Congress. His children's video, *Cowboys On The Job*, was rated one of TV Guide's Ten Best Kid's Videos. (Burke Dep. Tr: 54: 9-11; Volpe Decl., Ex. T, ¶ 10).

133. Joe Foley taught Plaintiff Villa Ruiz's Studio Lighting I course in Fall 2012. (Volpe Decl., Ex. DD, at Bates No. NYU0015392 (course GFMTV-GT.2169.902); Volpe Decl., Ex. GG, at Bates No. NYU0015700-01). Professor Foley is a cinematographer whose professional credits include films such as *Dogs: The Rise and Fall of an All-Girl Bookie Joint*, *Killing Time*, *The Understudy*, *Brief Reunion*, *The Blood In This Town*, *Hush: The Minnesota First & the Battle of Gettysburg and Anytown, USA*; music videos and concert films with U2 and Leonard Cohen, The Red Hot Chili Peppers, Dinosaur Jr, The National, M Ward, The Fiery Furnaces, Hospitality and Jennifer Hudson; award winning Ghanaian music videos; and a reality television show in West Africa called *The Spirited Actor*. (Volpe Decl., Ex. T, ¶ 12).

134. Pennie DuPont taught Plaintiff Hartman's Actor's Craft I course in Fall 2010. (Hartman Dep. Tr: 68:11-13; Volpe Decl., Ex. EE; Volpe Decl., Ex. HH at Bates Nos. NYU0013584-85). Before Professor DuPont passed away in 2014, she was a professional casting director and writer. Her professional credits include casting films such as *Roxanne*, *the Karate*

Kid, Peggy Sue Got Married, the Seventh Sign, and Arizona Dream; working in theater on and off Broadway; co-hosting *The Good Life*; and writing screenplays such as the award winning *Torn Between Two Fathers*. Ms. Dupont was renowned in the industry, as documented by her inclusion in the *in-memoriam* televised presentation at the televised Academy Awards the year she died. (Volpe Decl., Ex. T, ¶ 14; Hartman Dep. Tr: 209:16-22).

135. Gillian Gordon Crozier was the Chair of Tisch Asia's International Media Producing program and taught Plaintiff Hartman's Introduction to Production Management course in Fall 2010. (Hartman Dep. Tr: 218:24-25 – 219:2-6; Volpe Decl., Ex. EE; Volpe Decl., Ex. HH, at Bates Nos. NYU0013498-99). Professor Crozier also mentored Plaintiff Hartman and provided her with professional networking opportunities. (Hartman Dep. Tr: 219:15-17). Professor Gordon Crozier is a professional producer whose credits include work on television series and movies such as *The Greatest Store in the World*, *Trial & Retribution*, and *Call Red*. (Volpe Decl., Ex. T, ¶ 16).

136. Michael Burke was the Chair of the Film & Television program at Tisch Asia from 2010-2015, the Associate Dean at Tisch Asia from 2013-2015, and taught Plaintiffs Hartman and Villa Ruiz. (Volpe Decl., Ex. T, ¶2; Hartman Dep. Tr: 220:25 – 221:2-3; Volpe Decl., Ex. DD, at Bates No. NYU0015392 (course GFMTV-GT.2211.902); Volpe Decl., Ex. GG, at Bates Nos. NYU0015908-09). Professor Burke is a Tisch alumnus who was hired shortly after graduation and is a current faculty member and Associate Dean of Film & Television in the Tisch NY graduate and undergraduate film programs. (Volpe Decl., Ex. T, ¶1). After graduating from Tisch in 1999, he started his teaching career as an adjunct professor at Tisch NY in 2001. He then became a faculty member, Program Chair, and Associate Dean at Tisch Asia within 2008-2015. (Burke Dep. Tr: 12:2-13, 19:6-25 – 20:2-10, 33:19-25 – 34:2-18, 38:2-7). Professor Burke has continued

to work professionally in addition to his teaching and administrative responsibilities at Tisch. (Burke Dep. Tr: 43:7-25 – 48:2-4).

137. Professor Burke's feature film, *The Mudge Boy*, was produced by Stanley Tucci; starred Emile Hirsch and Academy Award Nominee Richard Jenkins; premiered in the Dramatic Competition at the 2003 Sundance Film Festival; won the Outfest 2003 Grand Jury Award; and was released theatrically to critical acclaim in May 2004. He was selected for both the Sundance Institute Writer's and Filmmaker's Lab in 2000. He also developed projects for Pretty Matches Productions (Sarah Jessica Parker) and wrote *QUAD* (2013) starring Aaron Paul, Lena Olin, and Jeff Daniels for Gilbert Films. (Volpe Decl., Ex. T, ¶ 7). Professor Burke won film awards including the 2001 Richard Vague Production Grant, the American winner of the 2000 Sundance/NHK International Filmmakers Award, Special Jury Award at the 1999 Sundance Film Festival and the 1999 NYU First Prize Wasserman Award. (Volpe Decl., Ex. T, ¶ 8).

138. Wendy Bednarz taught Plaintiffs Hartman and Villa Ruiz in several directing courses, including Directing I through III. (Volpe Decl., Ex. EE (Directing II); Volpe Decl., Ex. HH, at Bates Nos. NYU0014360-61; Volpe Decl., Ex. DD, at Bates Nos. NYU0015392 (Directing I, II and III); Volpe Decl., Ex. GG, at Bates Nos. NYU0015638-39, NYU0015888-89, NYU0016214-15). Professor Bednarz is a professional filmmaker and photographer, whose credits include work on films such as *Burning Money: Consumerism in the Afterlife*, *On Crystal*, and *Leaving Gussie*. Her professional work has screened at the New York Museum of Modern Art, the Montreal World Film Festival, and the Venice Film Festival, and has garnered awards such as Cine Golden Eagle, the Independent Film Award, and the Sundance Winfemme. (Volpe Decl., Ex. T, ¶ 18).

139. Thomas Mangan taught Plaintiffs Hartman and Villa Ruiz in production classes. (Hartman Dep. Tr: 211:13-25 – 212:2-3; Volpe Decl., Ex DD, at Bates No. NYU0015392 (Introduction to Production Management, Producing the Short Narrative Film, Festivals, Marketing & Financing The Short Film); Volpe Decl., Ex. GG, at Bates Nos. NYU0015600-01, NYU0015852-53, NYU0016196-97). Professor Mangan is a professional producer and executive producer and has co-written several screenplays. His professional credits include work on films such as *Somewhere Tonight* starring John Turturro, *Framed* starring Rob Lowe and Sam Neill (TNT Network 2003), *Tumbleweeds* (Winner of 1999 Sundance Film Festival Filmmaker's Trophy) starring Janet McTeer, *Sunburn* starring Cillian Murphy, *The Jack Bull* (HBO) starring John Cusack, *Colin Fitz*, *Captive* starring Stanley Tucci, and *Watch I* (MGM) starring Peter Gallagher and Tom Sizemore, and on screenplays such as *Spring Break Chain Gang* and *The King of Fun*. (Volpe Decl., Ex. T, ¶ 20).

140. Alvin Sim taught Plaintiffs Hartman and Villa Ruiz's sound courses. (Volpe Decl., Ex. EE (Location Sound II); Volpe Decl., Ex. HH, at Bates Nos. NYU0013938-39; Volpe Decl., Ex. DD, at Bates No. NYU0015392 (Sound); Volpe Decl., Ex. GG, at Bates Nos. NYU0015986-87). Professor Sim is a professional sound specialist whose professional credits include work on multilingual shorts, features, documentaries, and television productions in several countries throughout Asia with clients such as Disney, Discovery, National Geographic and MTV. He has worked with Jackie Chan and done camera operation, vision mixing and camera-directing for performances by Michael Buble and Linkin Park, among others. (Volpe Decl., Ex. T, ¶ 22).

141. William Kovacsik taught Plaintiff Basso's Genres: TV course in Fall 2013 and Professional Colloquium in Spring 2014. (Plaintiff Basso's NYU Academic Transcript, annexed to the Volpe Decl. as Exhibit II, (authenticated at Basso Dep. Tr: 195:16-25 – 196:2-9); Plaintiff

Basso's Course Evaluations, annexed to the Volpe Decl. as Exhibit JJ (authenticated at Basso Dep. Tr: 288:16-25 – 290:19, 291:5-14, 294:20-25 – 299:2-9), at Bates Nos. NYU0011652-53). Professor Kovacsik is a professional playwright and actor, whose professional credits include *The Masrayana*, *Morisot Reclining*, *Scales of Justice*, *Pillar of Salt*, *Slice of Immortality*, *Music of Spheres*, and *The Run of the River*, among others. (Volpe Decl., Ex. T, ¶ 24).

142. Wendy Hammond taught Plaintiff Basso's Advanced Playwriting Workshop course in Spring 2014. (Volpe Decl., Ex. II; Volpe Decl., Ex. JJ, at Bates Nos. NYU0011676-77). Professor Hammond is a writer and producer. Her professional credits include work on *A Beautiful Life*, *Julie Johnson*, *Lehi's Wife*, and *My Boyfriend the War Hero*. (Transcript of the Deposition of Wendy Hammond ("Hammond Dep. Tr"): 174:2-25 – 175:2-4).¹¹

iii. Interpretations of Marketing Concerning, and Admissions About, the Faculty and Instruction at Tisch Asia

143. Plaintiff Basso understood "world renowned" to mean "the general public knowledge of something" and working professionals' knowledge of the school. (Basso Dep. Tr: 127:18-22, 130:9-23).

144. Plaintiff Villa Ruiz understood "world renowned" to mean "people whose works are internationally recognized that are working constantly on projects that are out in television or in cinemas." (VR Dep. Tr: 199:20-24). In his opinion, the Tisch graduate film and television program overall is world renowned. (VR Dep. Tr: 172:1-6). Plaintiff Villa Ruiz's interpretation of "world renowned faculty" was that a majority, but not all, faculty would be world renowned. (VR Dep. Tr: 199:11-19, 25 – 200:1-19).

¹¹ A copy of the relevant portions of Wendy Hammond's deposition transcript is annexed as Exhibit KK to the Volpe Decl.

145. Plaintiff Hartman believes that Tisch's Graduate Film and Dramatic Writing programs overall, including Tisch Asia, are world-renowned and her feelings about that have not changed since she left Tisch Asia. (Hartman Dep. Tr: 148:24-25 – 149:2-12).

146. Alumnus Hannah would not interpret "world renowned faculty" in any literal sense because faculty bios were available for research on the NYU website. (Volpe Decl., Ex. Q, ¶ 10).

147. Alumnus Chun did not think too much into the statement because "world renowned" is an abstract term that could mean different things to different people. (Volpe Decl., Ex. S, ¶ 9).

148. Plaintiff Basso defined "working professional[]" as "someone that is working in the industry that they are a professor in." (Basso Dep. Tr: 139:11-16). She described "working professionals" as professors who had not stopped working or were currently working, whether or not they booked a professional job during the time that she was at the school. (Basso Dep. Tr: 136:18-22, 140:3-9, 11).

149. Plaintiff Villa Ruiz defined "working professionals" by looking at IMDb (Internet Movie Database) credits. (VR Dep. Tr: 113:12-25 – 114:1-3).

150. Plaintiff Hartman described "working professionals" as "a slippery term" because "it is hard for a student to know exactly what a professor is doing with their life." (Hartman Dep. Tr: 201:11-22). She defined "working professional" as "someone who's actively working on films or television or theater in some sort of capacity as opposed to just teaching," but said that "it's tricky" because for "some [] classes, being a working professional was just being an educator; whereas other [] classes, the stuff that was more tech-based and kind of more hands-on, that's where if you're not actively working in the field . . . a lot of times the industry has moved on. So it's sort of hard to say." (Hartman Dep. Tr: 203:3-25 – 204:2-6).

151. Plaintiff Hartman described the “minimum standard” of having strong ties to the industry as knowing someone “in Los Angeles who [she] could possibly just have coffee with that worked in any area of entertainment.” (Hartman Dep. Tr: 212:8-19).

152. Plaintiff Hartman believes that attending Tisch Asia was the best decision she ever made. In an email to Tisch Asia Associate Dean Michael Burke during the end of her second year, she stated: “I want to say I could never thank you and the other professors enough for all the brilliant teaching, guidance, wisdom and friendship you have all given me,” and that “[g]oing to Tisch Asia is bar none the best decision of my life, and I am so grateful for all it has given me so far, and all I know it will continue to provide.” (Hartman Dep. Tr: 165:25 – 166:2-20, 167:15-25 – 168:2-14, 171:4-24; Volpe Decl., Ex. N, at Bates No. NYU0013049).

153. In May 2013, Plaintiff Hartman sent an email to Dean Robert Cameron in which she described the Tisch Asia experience as “life changing, both due to the caliber of the faculty and classes, as well as my classmates and the southeast Asian environment. Going to Singapore was the best decision I have ever made.” (Volpe Decl., Ex. O, at Bates No. NYU0012947).

154. Plaintiff Hartman sent another email to Dean Burke in June of 2013 expressing a desire to return to finish her degree at Tisch Asia but cited financial issues as the “number one” issue precluding her return. She stated that she “cannot express how much Tisch Asia means to me, and how deeply I value the time I spent there and the people I now consider family. I want to finish.” (Volpe Decl., Ex. O, at Bates No. NYU0012945).

155. Plaintiff Hartman had very good professors and believes that she herself was provided the same educational and professional training as her New York counterparts. (Hartman Dep. Tr: 126:6-19). She doesn’t “have many, if any, complaints about the quality of [her] education or the faculty [she] had.” (Hartman Dep. Tr: 149:15-19).

156. Plaintiffs Basso, Villa Ruiz and Hartman provided positive course evaluations for their professors. (Basso Dep. Tr: 292:18-25, 293:10-19, 295:13-21, 297:4-20, 296:13-25, 298:2-14, 299:7-9; VR Dep. Tr: 221:12-25 – 222:1-25; Hartman Dep. Tr: 236:10-25 – 237:2-21; Volpe Decl., Exs. GG, HH, JJ.

157. Alumnus Hannah received professional training at Tisch Asia that met his expectations, and he knows many Tisch Asia alumni who are very successful in the industry. (Volpe Decl., Ex. Q, ¶ 14).

158. The faculty at Tisch Asia exceeded Alumnus Giordano's expectations, as his professors genuinely cared about his work and were extremely accessible. (Volpe Decl., Ex. R, ¶ 9). Giordano's education at Tisch Asia provided him with the highest level of professional writing and directing training. (Volpe Decl., Ex. R, ¶ 24).

159. Alumnus Chun's experience with the Tisch Asia faculty surpassed his expectations, and he found Professor Tunnicliffe's, Professor Lindberg's, and Professor Hammond's courses to be extremely valuable, and could say the same for most of his faculty members. (Volpe Decl., Ex. S, ¶ 12). Chun believes he received the same professional training as Tisch NY students. (Volpe Decl., Ex. S, ¶ 16).

iv. Tisch Asia Created a Custom Course for Plaintiff Basso that Required the Use of Videoconference.

160. Plaintiff Basso chose Professor Pia Aquilia to advise her on her thesis but Professor Aquilia left Tisch Asia prior to Basso's last year. (Basso Dep. Tr: 152:12-16, 153:18-25 – 157:2-20).

161. In Professor Aquilia's absence, Tisch Asia assigned B. Mark Seabrooks to be Plaintiff Basso's thesis advisor and independent study professor for academic year 2013-2014. (Basso Dep. Tr: 163:24-25 – 164:2-4, 165:12-20). Professor Seabrooks is a professional producer

and writer, whose professional credits include television series and shorts such as *Veil*, *The Steve Harvey Show*, *Second Time Around*, *Cuts*, *Glass Heels*, *Let's Stay Together*, and *The Velvet Room*. (Basso Dep. Tr: 138:18-24; Volpe Decl., Ex. T, ¶ 26).

162. Plaintiff Basso did not want Professor Seabrooks to be her thesis advisor because, after taking a class with him in the Fall of 2012, she did “not find his style of teaching appropriate for her learning style.” (Basso Dep. Tr: 165:19-25 – 166:2, 16-21, 167:19-21).

163. Upset at Professor Aquilia’s departure, Plaintiff Basso requested that Tisch Asia instead arrange for faculty based in New York to teach her and advise her on her thesis by videoconference. (Basso Dep. Tr: 68:25 – 69:2-23, 172:23-25 – 173:2-23, 177:4-25, 178:13-21).

164. In response to this request, Tisch Asia Dean Burke arranged for Tisch NY Professors George Malko and Marygrace O’Shea to teach Plaintiff Basso’s customized Advanced One Hour Drama course in Fall 2013 and advise on her thesis, respectively, via skype. Dean Burke also created an independent study for Plaintiff Basso which was supervised by Professor Charlie Rubin out of New York. (Basso Dep. Tr: 146:20-25 – 147:2-3, 193:10-25 – 194:2-18, 195:11-13, 21-25 — 197:2-20, 199:17-22; Volpe Decl., Ex. II).

J. Tisch Asia Provided Master Classes, Workshops, Networking and Resume Building Opportunities

165. Tisch Asia regularly brought acclaimed filmmakers, writers, and actors to campus in person or by videoconference to give lectures and conduct master classes and workshops, including Spike Lee, Oliver Stone, Bridget Bedard, Glen Mazzara, Frank Oz, Lee Tien Jien, Jodie Foster, and Vanja Cernjul, among many others. (Campbell Dep. Tr: 301:2-25 – 302:2-12; Basso Dep. Tr: 215:9-25, 216:2-8, 223:10-24, 237:22-25 – 238:2-3; VR Dep. Tr: 201:14-24; Hartman Dep. Tr: 230:6-25, 231:9-24; Volpe Decl., Ex. R, ¶ 10; Volpe Decl., Ex. U).

166. Tisch Asia offered students a funded trip to Hong Kong International Film & TV Market (Filmart), which is Asia's premier film and television annual industry conference. Tisch Asia Professor Gabrielle Kelly led students on this trip and taught them how to network for jobs at the conference. (Volpe Decl., Ex. S, ¶ 22; Hartman Dep. Tr: 113:5-6, 9-24).

167. Professor Kelly also took students to a major production studio in Malaysia, which resulted in three Tisch Asia students obtaining post-graduate work at the production studio. (Volpe Decl., Ex. R, ¶ 17).

168. Tisch Asia Professor Sarah Cawley worked as Director of Photography on the television series *Salem* while also teaching and offered a student the opportunity to work with one of the *Salem* writing partners during the production. (Volpe Decl., Ex. S, ¶ 14).

169. Tisch Asia Professor Jon Hammond offered three students the opportunity to assist him in editing a Singapore-based feature film produced by Cathay, one of the largest film studios in Southeast Asia. (Volpe Decl., Ex. S, ¶ 15).

170. While Plaintiff Hartman was in Singapore in 2010-2011, Academy Award Winner Quincy Jones visited campus for a question and answer event, and Tisch Asia students were provided with skype sessions with Academy Award Nominee Debra Granik and Academy Award Winner Jodie Foster. (Hartman Dep. Tr: 230:15-21, 231:9-24, 232:13-25 – 233:2-3).

171. Plaintiff Hartman also attended a workshop held by director Seith Mann (*The Wire*), and workshop by sound editor David Briggs (*The Wire*, *Moonrise Kingdom*). (Hartman Dep. Tr: 233:21-25 – 234:2-12).

172. After Plaintiff Hartman left Tisch Asia, she corresponded with NYU Director of Career Development, Melissa Brodsky-Levine, who referred Tisch Asia students in Los Angeles to a lot of networking events. (Hartman Dep. Tr: 194:12-25 – 196:2-7).

173. Tisch Asia students are eligible to attend alumni networking events through NYU in Los Angeles and Plaintiff Hartman has attended at least one or two of these events per year, even though she did not finish her degree at Tisch Asia. (Hartman Dep. Tr: 187:13-25 – 188:2-16).

174. Plaintiff Villa Ruiz took advantage of Tisch networking groups in Los Angeles by signing up for the TSOA newsletters for local job listings and obtained some jobs through such listings. (VR Dep. Tr: 145:12-19).

175. Plaintiff Villa Ruiz could not identify any New York student who had better professional opportunities through faculty than he did, but knows of one student who got a job on a Spike Lee film because he was a student at Tisch NY. (VR Dep. Tr: 151:15-25).

176. Oliver Stone was the Artistic Director of Tisch Asia through early July of 2012. Mr. Stone is an Academy Award winning filmmaker. (Shirazi Dep. Tr: 215:19-25 – 216:2-17; July 9, 2012 Stone Resignation as Artistic Director Email to Dean Campbell, and Dean Campbell's July 9 and 10, 2012 Emails with Josh Murray Discussing Stopping to Advertise Stone on Tisch Asia Website, annexed to the Volpe Decl. as Exhibit LL, at Bates No. NYU0022337).

177. During Mr. Stone's visits to campus, Tisch Asia program Chairs created workshops and opportunities for students to engage with him that were specific to the students' departments and programmatic focus. (Burke Dep. Tr: 218:18-25 – 220:2-6). Plaintiff Hartman participated in Mr. Stone's workshop. (Hartman Dep. Tr: 66:23-25 – 67:2-10).

178. Once Mr. Stone resigned, Tisch Asia stopped advertising his connection to the program. (Volpe Decl., Ex. LL, at Bates No. NYU0022336).

K. Tisch Asia Students Were Provided Access to Internships, Part-Time Jobs in the Industry, and Scholarships

179. Tisch Asia students were afforded access to internships and professional development opportunities available in Singapore and available to Tisch NY students in the United States. (Shirazi Dep. Tr: 244:15-25 – 245:2-8).

180. Tisch NY and Tisch Asia students had access to: a TSOA internship database and blog; emails from the TSOA Career Development Office in New York; TSOA Director of Career Development Lily Hung; TSOA Internship Coordinator Adam Underhill; Director of Career Development Melissa Brodsky-Levine; Tisch Asia faculty members specializing in exit strategies; and Tisch Asia and NY faculty generally. (Volpe Decl., Ex. S, ¶ 20; Volpe Decl., Ex. Q, ¶ 18; Transcript of the Deposition of Adam Underhill (“Underhill Dep. Tr”): 37:22-25 – 38:2-8).¹²

181. Professor Kelly sent emails to Tisch Asia students about professional opportunities in Asia, and students who formed close relationships with their professors were referred by those professors to internships. (VR Dep. Tr: 143:7-11, 126:18-23; Volpe Decl., Ex. Q, ¶ 18).

182. Professor Sarah Cawley helped Tisch Asia students find jobs in the New York area. (VR Dep. Tr: 148:15-22).

183. Professors McInnis and Kelly taught an Exit Strategies course to assist Tisch Asia students in finding employment after graduation, which Plaintiff Villa Ruiz took. (VR Dep. Tr: 127:14-19, 128:2-3; Volpe Decl., Ex. R, ¶ 17).

184. Although there was no career development office in Singapore, members of the TSOA Career Development Office in New York came to Singapore to assist students. (VR Dep. Tr: 135:3-25 – 136:1-12, 137:23-25 – 138:1-6, 145:2-7; Hartman Dep. Tr: 192:23-25 – 194:2-3).

¹² A copy of the relevant portions of Adam Underhill’s deposition transcript is annexed as Exhibit MM to the Volpe Decl.

185. Tisch Asia students were able to register for free coursework and paid internships in New York during the summer and obtain access to NYU housing. (Shirazi Dep. Tr: 186:10-25 – 189:2-18; Volpe Decl., Ex. Q, ¶ 17).

186. Plaintiff Basso was aware of resources that she could use to search for internships through NYU, and took advantage of those resources and found them to be helpful. (Basso Dep. Tr: 90:16-25).

187. Plaintiff Basso spoke to Ms. Hung and Mr. Underhill about internships, joined Mr. Underhill's internship blog and email distribution list, and had some email communications with Ms. Hung. Plaintiff Basso recalls getting emails about internships from Mr. Underhill at least once a week. (Basso Dep. Tr: 133:13-25 – 134:2-24, 244:20-25 – 246:2).

188. Plaintiff Basso obtained a summer internship with AMC Networks, Sundance Global in Summer 2013, which she learned about from a posting on Mr. Underhill's internship blog. (Basso Dep. Tr: 88:14-25 – 89:2-11, 246:2-15).

189. Plaintiff Basso was provided two recommendation letters for internships from Tisch Asia faculty members, and otherwise did not request help from any Tisch Asia faculty member or administrator for assistance securing internships or professional development opportunities. (Basso Dep. Tr: 89:22-25 – 90:2-15).

190. Plaintiff Villa Ruiz pursued internships in Asia and the United States and obtained an internship in Asia – his preferred location – with a production company. (VR Dep. Tr: 122:24-25 – 123:1-5, 124:5-10, 125:5-13).

191. Plaintiff Villa Ruiz received faculty support from Professor Bednarz, who wrote letters of recommendation for him when he was pursuing internships and encouraged him to apply for work with a Singaporean production company. (VR Dep. Tr: 125:24-25 – 126:1-6, 153:9-20).

192. Tisch Asia faculty member Ramon Menendez, who served as Plaintiff Villa Ruiz's advisor and taught some of Plaintiff Villa Ruiz's Directing courses, was knowledgeable about the industry and helped Plaintiff Villa Ruiz look for work in Asia. (VR Dep. Tr: 153:21-25 – 154:1-13; Volpe Decl. Ex. DD at NYU0015392 (Directing, Documentary Project); Volpe Decl., Ex. GG, at Bates Nos. NYU0015932-33, NYU0016448-49).

193. Ms. Brodsky-Levine and Professor Kelly also helped Plaintiff Villa Ruiz with his resume. (Villa Dep. Tr: 126:18-23).

194. Plaintiff Villa Ruiz worked paid jobs on campus in the Tisch Asia production center and served as a Specialty Aid for faculty member Professor Cawley's cinematography class in his third year. (VR Dep. Tr: 138:20-25 – 139:1-8). Professor Cawley was a mentor to Plaintiff Villa Ruiz and taught him a lot of the lighting techniques that he still utilizes today in his professional work. (VR Dep. Tr: 148:7-11).

195. While enrolled at Tisch Asia, Plaintiff Villa Ruiz also availed himself of opportunities to work on three professional shoots for Nike, and one for Google through networking Tisch Asia's alumni network. (VR Dep. Tr: 139:9-25 – 141:1-3).

196. Plaintiff Villa Ruiz applied for internships and jobs in Singapore, including Beach House Productions, a marketing company that had a production branch, 1 iota, and international marketing company Ogilvy. (VR Dep. Tr: 128:7-25 – 129:1-18).

197. Plaintiff Villa Ruiz received an internship offer from 1 iota and worked there after graduating from NYU. (VR Dep. Tr: 129:19-25 – 130:1-11).

198. Plaintiff Hartman worked as a teaching assistant in the Tisch Asia production center while at Tisch Asia. She also received an internship at the Palm Springs Short Film Festival through a connection provided by Tisch Asia faculty member Kathleen McInnis, who Hartman

met at Tisch Asia. While working at Palm Springs Film Festival, Hartman met a producer who offered her a fulltime job. (Hartman Dep. Tr: 77:12-25 – 79:1-3, 246:6-25 – 247:2-20).

199. Philip Giordano interned at a Singaporean production company called Reel Loco after his first year at Tisch Asia. (Volpe Decl., Ex. R, ¶ 16).

200. Professor Kelly guided Mr. Giordano through the entire process of obtaining a job as a Director at Abundant Productions, a top Singaporean production house. Mr. Giordano commenced employment at Abundant three days after he graduated from Tisch Asia. (Volpe Decl., Ex. R, ¶ 24).

L. Tisch Asia Students Won Contests, Festivals, and Grants

201. Tisch Asia students participated in contests and festivals sponsored by NYU and outside sources, with great success, and were provided grants in the form of production allotments to support their work. (See Volpe Decl., Ex. S, ¶ 23; Volpe Decl., Ex. Q, ¶¶ 22-23; Volpe Decl., Ex. R, ¶¶ 5, 19- 20).

202. Plaintiff Basso did not pursue any screenwriting contests because at the end of her second year she decided that she wanted to pursue film and television production. (Basso Dep. Tr: 95:3-19). Plaintiff Hartman also did not pursue such contests. (Hartman Dep. Tr: 274:25 – 279:2-23).

203. Plaintiff Villa Ruiz has no personal complaints about Tisch contests such as the Purple List, First Run Film Festival, or any other NYU or Tisch contests. (VR Dep. Tr: 159:16-19, 160:12-17, 231:25 – 232:1-3). He stated that he had no basis to believe that Tisch Asia students have not won as many awards at festivals as Tisch NY students. (VR Dep. Tr: 92:3-8).

204. A film that Plaintiff Villa Ruiz worked on as a cinematographer was in Tisch's First Run Film Festival. (VR Dep. Tr: 230:16-21). Plaintiff Villa Ruiz also won a Tisch Asia Craft

Award for cinematography, which were given to students at Tisch Asia who had shown exceptional work. (VR Dep. Tr: 230:25 – 231:1-9).

205. Alumnus Quester Hannah won the Richard Vague Production Fund award and received the Tisch Dean's Award for work on his thesis film, which is a documentary he is currently filming in Israel. The award came with a \$35,000 production grant which enabled him to fund his film. (Volpe Decl., Ex. Q, ¶ 22).

206. Hannah also participated in Tisch's First Run Film Festival. (Volpe Decl., Ex. Q, ¶ 23). The year that Hannah submitted his film to the First Run Film Festival, a Tisch Asia alumna took first prize for her film, which later won an award at the Sundance Film Festival and was nominated for multiple awards at the Cannes Film Festival. (Volpe Decl., Ex. Q, ¶ 23).

207. Alumnus Philip Giordano's thesis film was one of ten selected for the Busan International Film Festival, the largest film festival in Asia, which gets about three thousand film submissions each year. (Volpe Decl., Ex. R, ¶ 19). His thesis film also won the first prize at NYU's First Run Film Festival, including a \$10,000 cash prize, the New York Screenplay Contest, and a Hollywood Foreign Press Association Award. (Volpe Decl., Ex. R, ¶ 20). Giordano's thesis film was played in film festivals in various countries and received worldwide television distribution. (Volpe Decl., Ex. R, ¶ 20).

208. Alumnus Bumsue Chun submitted his work to multiple competitive contests and was successful. His thesis film was a finalist at NYU's East Meets West competition, which took place on the Tisch NY campus in January 2015. His second-year film was submitted to the First Run Film Festival and received second prize, which included a cash award. One of Chun's films was also accepted into the Aspen Film Festival for a world premiere. (Volpe Decl., Ex. S, ¶¶ 18, 23).

M. Tisch Asia Students Received Scholarships and Thesis Allotments

209. Tisch Asia students received the same funding allotment for thesis films as did Tisch NY students. (Burke Dep. Tr: 237:5-14; VR Dep. Tr: 232:20-25 – 233:1).

210. Alumnus Chun received two post-production scholarships for his films: one for \$1,200 from NYU and another for \$2,700 funded by private philanthropy. (Volpe Decl., Ex. S, ¶ 24).

211. Tisch Asia offered a higher percentage of scholarships to students than Tisch NY did. (Shirazi Dep. Tr: 107:19-25 – 108:2-18).

212. Plaintiffs Basso, Villa Ruiz and Hartman are not alleging as part of this lawsuit that they were denied access to fellowships or scholarships. (Basso Dep. Tr: 266:3-10; VR Dep. Tr: 233:6-9, 11; Hartman Dep. Tr: 200:9-13, 192:11-14).

N. The Plaintiffs' Professional Pursuits After Tisch Asia

213. Plaintiff Basso completed her thesis and received her degree from TSOA in May 2014.

214. Since graduating with her TSOA degree, Plaintiff Basso has obtained employment as: administrative assistant at BET Networks; office production assistant for the feature film *The Accountant*; production assistant for *The Walking Dead*; production secretary for the feature film *Sully*; assistant production office coordinator for a series called *Replay for Verizon*; production secretary for the film *Central Intelligence*; production secretary for the *Immortal Life of Henrietta Lacks* on HBO; assistant production office coordinator for a small feature called *An Action Prepare*; travel coordinator for feature film *The War with Grandpa*; and assistant production coordinator for a feature called *Boy Erased*. (Basso Dep. Tr: 273:10-22, 274:21-25 – 275:2-4, 11-25 – 276:2-3, 6-20, 277:8-14, 278:12-21, 279:13-23, 280:5-18, 281:2-9, 12-15, 20-25 – 282:2-10).

215. No one has ever told Plaintiff Basso that the degree she received upon graduating from Tisch Asia was an impediment to her career. (Basso Dep. Tr: 282:23-25 – 283:2-3).

216. Plaintiff Villa Ruiz completed his thesis and received his degree from TSOA in 2015. (VR Dep. Tr: 241:12-20).

217. After completing his coursework, Plaintiff Villa Ruiz did some unpaid projects in Asia to help build his portfolio and then was employed in Singapore, where he worked on the Nike Malaysia Surviya project, Indonesia Surviya project, and on editing freelance jobs. After moving to Los Angeles, Plaintiff Villa Ruiz briefly worked at production house 1 iota, and then freelanced until he began work as a full-time cinematographer and editor for Alas Media, a production company. He has been developing a network to go back to freelancing; about half of that network is through TSOA connections. He also released an independent feature at the American Film Institute theater in Los Angeles. (VR Dep. Tr: 191:24-25 – 192:1-14, 242:5-14, 18-25 – 243:1-2, 244:14-20).

218. No one has ever told Plaintiff Villa Ruiz or Plaintiff Basso that a TSOA degree from Tisch Asia is less valuable than a TSOA degree from Tisch NY, and he doesn't believe his classmates could validly make such a claim. (VR Dep. Tr: 244:25 – 245:1-4; Basso Dep. Tr: 282:23-25 – 283:2-3).

219. During the summer of 2012, Plaintiff Hartman networked Tisch Asia connections for employment at Night & Day Pictures as an assistant to producer Michael Roiff, which she decided to pursue rather than finishing her degree. (Hartman Dep. Tr: 76:22-25 – 77:2-5, 12-25 – 78:2-7, 169:15-25 – 170:2-7, 171:25 – 172:2-17, 173:5-15).

220. In June 2013, Plaintiff Hartman communicated with Dean Burke regarding the possibility of returning to Tisch Asia to finish her degree and explained that the largest impediment

for her was financial and the fact that she had built industry connections during the year she worked in Los Angeles that she was afraid to lose. (Hartman Dep. Tr: 189:20-25 – 191:2-16; Volpe Decl., Ex. O).

221. Had Plaintiff Hartman been able to secure a grant or scholarship, she would have returned to Tisch Asia, but she does not recall ever communicating a request for a specific dollar amount in scholarship money to return to Tisch Asia. (Hartman Dep. Tr: 192:4-10, 200:14-25 – 201:2).

222. After working for Night & Day Pictures, Plaintiff Hartman obtained employment as a Page at NBCUniversal, which is an extremely difficult job to get, and she was featured as a Tisch Asia success story on the NYU website for her work at NBC. (Hartman Dep. Tr: 197:22-25 – 199:2).

Dated: February 28, 2020
New York, New York

VENABLE LLP
Rockefeller Center
1270 Avenue of the Americas, 24th Floor
New York, New York 10020
(212) 307-5500
mjvolpe@venable.com

By: /s/Michael J. Volpe

Michael J. Volpe
Benjamin E. Volpe
Sandy Schlesinger

Attorneys for Defendant New York University